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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF )  
RESOURCE COUNCILS, *et al.*, )

Plaintiffs, )

v. )

U.S. BUREAU OF LAND )  
MANAGEMENT, )

Defendant, and )

STATE OF WYOMING, )

Intervenor Defendant. )

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Case No. 4:20-cv-00076-BMM-JTJ

**DEFENDANT'S MOTION TO  
PARTIALLY DISMISS FOR  
IMPROPER VENUE OR,  
ALTERNATIVELY, TO SEVER  
CLAIMS AND TRANSFER  
VENUE, AND TO STAY  
REMAINING CLAIMS**

For the reasons set forth in the accompanying memorandum, the United States Bureau of Land Management moves pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C § 1406(a) to dismiss Plaintiffs' claims for improper venue to the extent those claims challenge a resource management plan amendment (RMPA) for the Buffalo land management area in Wyoming. In the alternative, BLM moves pursuant to Rule 21 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1404(a) to sever those claims and transfer them to the United States District Court for the District of Wyoming.

BLM also moves to stay this action as to Plaintiffs' claims challenging the 2019 Miles City RMPA pending the outcome of the appeal noticed in *Bullock v. United States Bureau of Land Management*, No. 4:20-cv-62-BMM (D. Mont.).

Plaintiffs and Intervenor Defendant have been contacted pursuant to Local Rule 7.1(c)(1). Plaintiffs indicate that they object to this motion. Intervenor Defendant indicates that it does not object to this motion.

DATED: January 11, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on January 11, 2021, a copy of the foregoing was served on all counsel of record via the Court's CM/ECF system.

/s/ Arwyn Carroll

ARWYN CARROLL

U.S. Department of Justice